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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,608	05/23/2001	Peter J. Brittenham	RSW920010107US1	3650

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EXAMINER

GOLD, AVI M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,608

Applicant(s)

BRITTENHAM ET AL.

Examiner

Avi Gold

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/9/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The amendment received on December 9, 2004 has been entered and fully considered.

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 and 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhao, U.S. Patent No. 6,081,840.

Zhao teaches the invention as claimed including content distribution of data information to remote computer users (see abstract).

Regarding claims 1, 18, and 19, Zhao teaches a method, system, and computer program product for dynamically redeploying services in a computing network, comprising:

receiving a redeployment trigger for a selected service (col. 3, lines 9-15, Zhao discloses a subscription request);

determining one or more network locations where the selected service has been deployed from its original location at an origin server (col. 3, lines 1-2, Zhao discloses local servers having collections of data files subscribed to from the source server);

programmatically removing the selected service from the network locations and the origin server (col. 3, lines 15-18, Zhao discloses the local and source server communicating to update the servers); and

programmatically replacing the selected service at the network locations and the origin server (col. 3, lines 15-18).

Regarding claims 2, 20, and 21, Zhao teaches the method, system, and computer program product according to claims 1, 18, and 19, wherein the redeployment trigger comprises a redeployment request from the origin server (col. 3, lines 9-15, Zhao discloses a local server initiating a subscription request).

Regarding claims 3, 22, and 23, Zhao teaches the method, system, and computer program product according to claims 1, 18, and 19 further comprising:

sending the redeployment trigger when the selected service is to be revised (col. 3, lines 9-15, Zhao discloses a subscription request that is initiated when a tracking number exceeds a predetermined value).

Regarding claim 4, Zhao teaches the method according to claim 1, further comprising:

receiving client requests for the selected service (col. 2, lines 57-58, col. 3, lines 9-15, Zhao discloses end users connected to a local server that initiates a request);

serving the received requests from the network locations prior to receiving the redeployment trigger (col. 2, lines 6-67, Zhao discloses obtaining data for the source server based on requests); and

serving the received requests using the replaced service after programmatically removing the selected service and programmatically replacing the selected service (col. 3, lines 15-18).

Regarding claim 5, Zhao teaches the method according to claim 1, further comprising:

unpublishing the selected service after receiving the redeployment trigger until completion of programmatically removing the selected service and programmatically replacing the selected service, and then republishing the selected service thereafter (col. 3, lines 15-18, Zhao discloses transferring of data and updating tables and listings).

Regarding claim 6, Zhao teaches the method according to claim 2, further comprising:

sending a subsequent redeployment request to each of the network locations, responsive to receiving the redeployment request from the origin server (col. 3, lines 9-15).

Regarding claim 7, Zhao teaches the method according to claim 6, wherein programmatically removing the selected service further comprises:

receiving the subsequent redeployment request at a selected one of the network locations (col. 3, lines 9-15);

programmatically shutting down the selected service at the selected one, responsive to receiving the subsequent redeployment request(col. 3, lines 15-18); and

programmatically removing executable code which implements the selected service from a run-time environment of the selected one, subsequent to the programmatically shutting down (col. 3, lines 15-18).

Regarding claim 8, Zhao teaches the method according to claim 6, wherein programmatically replacing the selected service further comprises:

issuing a deployment request for the selected service from a selected one of the network locations;

receiving a response message at the selected one of the network locations the response message containing a replacement for the selected service; and

deploying the replacement for the selected service at the selected one of the network locations (col. 3, lines 15-18).

Regarding claim 9, Zhao teaches the method according to claim 8, wherein the deployment request comprises a service description of the selected service encoded in a standardized service description notation (col. 3, lines 1-25).

Regarding claim 10, Zhao teaches the method according to claim 9, wherein the service description comprises an interface definition of a dynamic deployment service and an implementation definition of the dynamic deployment service (col. 3, lines 1-25).

Regarding claim 11, Zhao teaches the method according to claim 10 wherein the dynamic deployment service resides on the origin server (col. 3, lines 1-2, lines 15-25).

Regarding claim 14, Zhao teaches the method according to claim 11, wherein the issued deployment request identifies the selected service (col. 3, lines 9-15).

Regarding claim 15, Zhao teaches the method according to claim 11, wherein the issued deployment request provides information about run-time conditions on the selected one of the network locations (col. 3, lines 9-15, Zhao discloses data file collection access information).

Regarding claim 16, Zhao teaches the method according to claim 8, wherein the replacement comprises executable code (col. 3, lines 15-18).

Regarding claim 17, Zhao teaches the method according to claim 16, wherein the executable code is automatically adapted to the run-time conditions on the selected one of the network locations (col. 3, lines 15-25).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao further in view of Robotham et al., U.S. Patent No. 6,704,024.

Zhao teaches the invention substantially as claimed including content distribution of data information to remote computer users (see abstract).

As to claims 12 and 13, Zhao teaches the method of claim 11.

Zhao fails to teach the limitation further including the method according to claim 11 wherein the issued deployment request comprises a SOAP ("Simple Object Access Protocol") request and a XML ("Extensible Markup Language") protocol request.

However, Robotham teaches a method for rendering and transforming visual content on a server system based on the display attributes of a client device, and transmitting the transformed visual content for display on a client device with respect to related browsing data (see abstract). Robotham teaches the use of SOAP and XML (col. 17, lines 10-15, lines 53-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Zhao in view of Robotham to use SOAP and XML for requests. One

would be motivated to do so because both are well known in the art for application integration, as shown in the specification.

Response to Arguments

5. Applicant's arguments filed December 9, 2004 have been fully considered but they are not persuasive.

Regarding the argument to claims 1, 18, and 19, the applicant argues that the reference, Zhao, does not disclose removing file data from the source content server or replacing file data at the source content server. The examiner disagrees, as seen in, column 3, lines 1-25, there are local and source servers that update data which inherently removes and replaces data.

Regarding the argument to claim 2, the applicant argues that the reference, Zhao, does not disclose a redeployment request from an origin server. The examiner disagrees, as seen in, column 3, lines 9-18, there is the request that is sent from the local server to the source server which makes then makes the request for the updated data.

Regarding the argument to claim 3, the applicant argues that the reference, Zhao, does not disclose sending a redeployment trigger when the selected service is to be revised. The examiner disagrees, as seen in, column 3, lines 9-15, there is a subscription request that is initiated when a tracking number exceeds a predetermined value.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,779,032 to Hericourt.

U.S. Pat. No. 6,418,452 to Kraft et al.

U.S. Pat. No. 6,055,570 to Nielsen.

U.S. Pat. No. 6,654,610 to Chen et al.

U.S. Pat. No. 6,167,444 to Boden et al.

U.S. Pat. No. 6,324,543 to Cohen et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002.


The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold
Patent Examiner
Art Unit 2157

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